

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SERGIO L. SHAW,

Plaintiff,

ORDER

09-cv-780-bbc

v.

MEG SCHNABEL, BRIAN HEALY,
JOHN DOE (1), JOHN DOE (2)
and JOHN DOE (3),

Defendants.

Plaintiff Sergio Shaw, a prisoner at the Columbia Correctional Institution in Portage, Wisconsin, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. Plaintiff has not submitted a copy of his trust fund account statement for the six-month period immediately preceding the filing of the complaint as required by 28 U.S.C. § 1915(a)(2). However, in another lawsuit in this court, Shaw v. Neumaier, 09-cv-747-bbc, plaintiff submitted a trust fund account statement covering approximately this six-month period. From the statement, it appears that plaintiff presently has no means with which to pay an initial partial payment of the \$350 filing fee. However, plaintiff should be aware that he is obligated to pay the \$350 filing fee, even if this court determines that he will not be permitted to proceed with his complaint in forma pauperis and even if he does not presently have funds with which

to pay the fee. 28 U.S.C. § 1915(b)(1). His account will be monitored and the fee must be taken in monthly installments when the funds exist.

Accordingly, IT IS ORDERED that plaintiff Sergio Shaw's complaint is taken under advisement. As soon as the court's calendar permits, plaintiff's complaint will be screened pursuant to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Plaintiff will be notified promptly when such a decision has been made.

Further, the Clerk of Court is requested to insure that the court's financial records reflect that plaintiff owes the \$350 fee for filing this case, in accordance with the requirements of the Prison Litigation Reform Act.

Entered this 4th day of January, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge